

FEB 24 2006

PATENT

Docket No. 134.01910101

(P-10909.00)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): BENZ et al.)
)
Serial No.: 10/663,926)
Confirmation No.: 2299)
)
Filed: September 16, 2003)
)
For: COMPOUNDS CONTAINING QUATERNARY CARBONS AND SILICON-
CONTAINING GROUPS, MEDICAL DEVICES, AND METHODS

Group Art Unit: 1711

Examiner: Rabon A. Sergent

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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Feb. 24, 2006
Date

Signature: Deb Schurmann
Name: Deb Schurmann

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SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed January 25, 2006 and the Restriction Requirement mailed September 28, 2005, Applicants elected, with traverse, Group # II (claims 1-70 and 76), directed to a polymer or a medical device including a polymer.

In addition, with respect to the species election, Applicants elected, with traverse, polymers wherein: $n=1$, $m=1$, R , R^1 , R^2 , R^3 , R^4 , R^5 (if present as recited in claim 17) = saturated aliphatic group, $V=R^1$, and $Y=OH$ (if present as recited in claim 17). It is respectfully noted that claims 1-16 and 40-56 are silent with respect to the presence of R^5 and Y . Also, all claims except claim 38 are readable on the embodiments encompassed by these specified variables.

Applicants respectfully request reconsideration and withdrawal or modification of the restriction requirement. It is respectfully submitted that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the others.

Response to Restriction Requirement and Species Election

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Furthermore, with respect to the species election, this election is with traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims. Applicants traverse on the grounds that the generic claim includes sufficiently few species that a search and examination of all the species at one time would not impose a serious burden on the Examiner.

Applicants reserve the right to pursue examination of any non-elected claims in continuation or divisional applications.

The Examiner is invited to contact Applicants' Representatives, at the telephone number listed below, if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24th day of February, 2006, at 12:45 pm (Central Time).

Deb Schurmann
Deb Schurmann

Feb 24, 2006
Date

Respectfully submitted

By

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